

FACT SHEET

October 2001

Emergency Planning

The Emergency Planning and Community Right-to-Know Act (EPCRA), promulgated as Title III of the Superfund Amendments and Reauthorization Act (SARA), 42 United States Code § 1101 *et seq*, is designed to provide federal, state, and local agencies, as well as the public, access to information on chemical hazards within a community. EPCRA has four major components that collectively implement the emergency planning and reporting provisions of the Act. These components require facilities to provide information on the type, amount, and location of chemical hazards by instituting multiple reporting requirements that are triggered if a facility uses, stores, and/or releases any specified chemical in an amount equal to or greater than established chemical threshold limit. This second installment in a series of fact sheets on EPCRA discusses the emergency planning provisions of EPCRA Sections 301, 302, and 303.

Emergency Planning Synopsis

The emergency planning component of EPCRA Sections 301, 302, and 303 is designed to assist state and local officials to prepare for and respond to emergencies involving extremely hazardous substances. The emergency planning sections of EPCRA cover any facility that has an extremely hazardous substance present in an amount equal to or greater than the substance's threshold planning quantity. These "covered" facilities must provide notification to the State Emergency Response Commission and the Local Emergency Planning Committee.

The information obtained and submitted to these agencies identifies potential chemical hazards, which in turn allows them to plan for the protection of vulnerable areas and to prepare for accidental releases in the community and environment. Regulations implementing the emergency planning provisions of EPCRA are found in Title 40 Code of Federal Regulations (CFR) Part 355.30.

Chemical Class

The emergency planning provisions of EPCRA involve chemicals classified as an **extremely hazardous substance (EHS)**. An EHS is any chemical that has immediate health effects and is specifically defined to mean any substance listed in Appendices A and B of Title 40 CFR Part 355.

Chemicals classified as EHSs are subject to revision by the Environmental Protection Agency (EPA). The EPA can revise the list (Appendix A and B) and threshold quantities for any chemical based on its toxicity, reactivity, volatility, dispersibility, combustibility, or flammability characteristics.

Reporting Threshold

The **Threshold Planning Quantity (TPQ)** is the maximum amount, in pounds, that may be present at a facility without triggering reporting requirements. This threshold determination is based on the total EHS present at the entire facility (not just the amount at a single location) and contained in all products including solutions and mixtures where the EHS concentration exceeds 1 percent.

EHSs that are solids are subject to two threshold quantities, an upper and lower quantity (i.e., 500/10,000 pounds), which can be found in Appendices A and B of Title 40 CFR Part 355. The lower TPQ of 1 to 1,000 pounds applies to liquids, molten solids, and to solids in a powdered form with a particle size of less than 100 microns. The upper TPQ of 10,000 pounds applies to solids that do not meet the above criteria.

Section Summaries

There are three sections of EPCRA that implement and regulate emergency planning.

Section 301

Section 301 provides for the creation, by each state, of a Governor appointed State Emergency Response Commission (SERC). The SERC in-turn must designate emergency planning districts in order to facilitate the preparation and implementation of emergency plans. For each



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emergency-planning district, the SERC appoints and supervises a Local Emergency Planning Committee (LEPC) that provides for public meetings to discuss emergency plans and the distribution of these plans.

Both these committees establish procedures for receiving and processing public requests for information submitted under EPCRA reporting and notification provisions.

Section 302

Section 302 requires the owner/operator of any facility that produces, uses, or stores an EHS in an amount equal to or greater than the substance's TPQ, to provide the SERC with a one-time written notification stating the facility is subject to emergency planning requirements. Thereafter, if a facility exceeds a TPQ for an existing EHS or, if there is a change or addition to the EHS list, the owner/operator is required to notify the SERC and the LEPC within sixty days of equaling or exceeding the TPQ.

This notification requirement provides emergency planners with information on which EHSs are being used and stored in a community; thereby, assisting the planners in developing and implementing state and local emergency response plans.

Section 303

Section 303 requires that each LEPC develop a comprehensive emergency response plan to be used as a community planning tool for responding to emergencies related to EHSs. The LEPCs are required to review the

emergency response plan annually and submit a copy of the plan to the SERC for review.

The owner/operator of a covered facility is required to appoint and notify the LEPC of a facility emergency coordinator to work with the LEPC and participate in the emergency planning process. Furthermore, Section 303 requires facilities to provide emergency planning information to the LEPCs regarding any changes occurring at the facility relevant to emergency planning; and any additional information the LEPC requires to develop and implement an emergency response plan.

Additional Information

This is the second fact sheet in a series discussing EPCRA reporting requirements, for additional information review our other fact sheets on EPCRA.

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Websites

- Environmental Quality Directorate, HQ AFCEE, <http://www.afcee.brooks.af.mil/eq/eqhome.asp>.
- Chemical Emergency Preparedness and Prevention Office, EPA, <http://www.epa.gov/ceppo/>.
- Office of Solid Waste, EPA, <http://www.epa.gov/epaoswer/hotline/epcra.htm>.

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